IN THE HIGH COURT OF JUDICATURE AT BILASPUR,(C.G.)

Miscellaneous Appeal No. 917 /2003 Division Bench

APPELLANTS: CLAIMANTS

1) Ramsaran Verma S/o. Nandkumar Verma aged about 28 yrs., R/o. Vill. & P.O.- Beldar Sivni, P.S. - Kharora Distt – Raipur (C.G.)

VERSUS

RESPONDENTS : NON-APPLICANTS

1) Baliram Kawar S/o. Meeluram Kawar Through M/s. Vimal Construction, Choubey Colony, Raipur (C.G.)

2) Maniklal Jain Through M/s. Vimal Construction, Choubey Colony, Raipur (C.G.)

3) The New India Insurance Co. Ltd. Through Divisional Manager, The New India Insurance Co. Ltd. Jail Road Raipur (C.G.)

P. R. No. 2263/03 Presented by Shri S.C. Verma dated 29/9/03

Miscellaneous Appeal under section 173 OF Motor Vehicles Act 1988

XI-HC—78

(15)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M. A. No. 917/2003 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Division Bench :

HON'BLE SHRI FAKHRUDDIN, Ag. C.J.
& HON'BLE SHRI SUNIL KUMAR SINHA, J.

31-01-2005.

Shri S.C. Verma, counsel for the appellant.

Shri Anand Kumar Gupta, counsel for respondent No.3/ Insurance Company.

Heard.

This appeal under Section 173 of the Motor Vehicle Act, 1988 has been preferred by the appellant/Claimant for enhancement of the quantum of award passed by the learned Claims Tribunal.

In this case, the rash and negligence on the part of the respondents is not in dispute.

Learned counsel for the parties submit that an award of Rs.1,00,362/- was passed in favour of the appellant. However, during the pendency of the present appeal a compromise has been arrived at by the parties and an additional amount of Rs.1,50,000/- has been agreed to be paid to the appellant/claimant. A document to this effect has also been filed. It is also agreed by both the parties that the amount due shall be paid within a period of two months from today and in view of the aforesaid compromise, the appellant does not want to prosecute the appeal.

We have gone through the records. The enhanced figure worked out on compromise appears to be just and proper.

In this view of the matter, it is directed that the appellant/claimant shall get total sum of Rs.2,50,362/- as compensation and, therefore, the award passed by the learned Claims Tribunal is modified to the extent

(16)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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indicated above. In other words, the appellant would get a sum of Rs.1,50,000/- over and above what has been already awarded by the learned Claims Tribunal. It is made clear that if the amount due is not paid to the appellant as per the compromise arrived at by the parties within a period of two months from today, the appellant shall be entitled to charge interest @ 9% per annum from the said date till its realization.

Thus, the appeal stands disposed of in terms of compromise arrived at by the parties.

We, however, very much appreciate the efforts made by learned counsel for the parties.

Counsel's fee as per rules.

Certified copy as per rules.

Sd/-
Sunil Kumar Sinha
Judge

Sd/-
Fakhruddin
Judge

subbu